

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 3 and 4 have been cancelled. Claims 1, 2, and 5-18 remain pending. In view of the cancellation of claims 3 and 4, applicants respectfully request that the inventorship be amended consistent with the accompanying Petition to Correct Inventorship under 37 C.F.R. § 1.48(b), i.e., deleting Liliana Gheorghiu and Oksana Yakovleva as inventors.

In applicants' last submission (dated December 14, 2007), a request was made that the U.S. Patent and Trademark Office ("PTO") generate and mail a filing receipt with the next office action. No filing receipt has since been received by the applicants. Therefore, applicants again request that the PTO generate and mail a filing receipt for the above-identified application, consistent with the above-noted Petition to Correct Inventorship.

The rejection of claims 1-6, 8, 9, and 11-17 under 35 U.S.C. § 102(c) as anticipated by U.S. Patent Application Publ. No. 2004/0229280 to Hammond et al. ("Hammond I") is rendered moot with respect to claims 3 and 4, and is otherwise respectfully traversed in view of the accompanying Petition to Correct Inventorship and the previously submitted Declaration of Julia T. Lathrop under 37 C.F.R. § 1.131 (the "Lathrop Declaration").

Consistent with the accompanying Petition to Correct Inventorship, the inventors of the presently claimed invention are Julia Lathrop, David Hammond, and Larisa Cervenakova. Hammond I identifies David Hammond, Julia Lathrop, Larisa Cervenakova, and Ruben G. Carbonell as inventors. As explained in the Lathrop Declaration, Ruben Carbonell did not contribute to the invention of the presently claimed subject matter (Lathrop Declaration, ¶ 3), which was disclosed but not claimed in Hammond I (Lathrop Declaration, ¶¶ 4,5). Thus, the presently claimed subject matter was not disclosed in a published patent application *by another* filed in the United States before the invention by the applicants. That is because the presently claimed invention, disclosed but not claimed in Hammond I (Lathrop Declaration, ¶ 5), was invented by the applicants of the present application and not "by another".

Under these circumstances, Hammond I is not available as prior art under 35 U.S.C. § 102(e). Therefore, the rejection of claims 1-6, 8, 9, and 11-17 over Hammond I is improper and should be withdrawn.

The rejection of claim 7 under 35 U.S.C. § 103(a) for obviousness over Hammond I in view of either U.S. Patent No. 4,245,064 to Drobnik et al. ("Drobnik") or U.S. Patent No. 7,217,507 to Hammond et al. ("Hammond II") is respectfully traversed. Because Hammond I is not available as prior art for the reasons noted above and the PTO has failed to demonstrate that the subject matter of claim 1, let alone claim 7 dependent thereon, would have been obvious over Drobnik and/or Hammond II, the rejection of claim 7 is improper and should be withdrawn.

The rejection of claim 10 under 35 U.S.C. § 103(a) for obviousness over Hammond I in view of U.S. Patent No. 5,989,921 to Charlton et al. ("Charlton") is respectfully traversed. Because Hammond I is not available as prior art for the reasons noted above and the PTO has failed to demonstrate that the subject matter of claim 1, let alone claim 10 dependent thereon, would have been obvious over Charlton alone, the rejection is improper and should be withdrawn.

The rejection of claim 18 under 35 U.S.C. § 103(a) for obviousness over Hammond I in view of U.S. Patent Application Publ. No. 2002/0155493 to Wang ("Wang") is respectfully traversed. Because Hammond I is not available as prior art for the reasons noted above and the PTO has failed to demonstrate that the subject matter of claim 1, let alone claim 18 dependent thereon, would have been obvious over Wang alone, the rejection is improper and should be withdrawn.

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In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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/Edwin V. Merkel/
Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604
Telephone: (585) 263-1128
Facsimile: (585) 263-1600